

**BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION**

In the Matter of the Suspension or Revocation	)	<b>ORDER OF</b>
	)	
of the Teaching Certification	)	<b>VOLUNTARY SURRENDER</b>
	)	
of Athaniel W. Badger, Jr.	)	
	)	
Certificate # 100270	)	

The South Carolina State Board of Education (Board) considered this matter on Tuesday, November 9, 2004. The State Department of Education sent a notice letter of the possible suspension or revocation of Mr. Badger's teaching certificate by certified mail, return receipt requested, delivery restricted to addressee. Mr. Badger received the notice, as evidenced by the signed postal receipt dated October 28, 2004. In an effort to resolve this matter without a hearing, Mr. Badger has agreed to the following terms: (1) the voluntary surrender of his teaching certificate; (2) his teaching certificate will become invalid immediately upon the approval by the Board of the voluntary surrender; and (3) he may re-apply for a South Carolina teaching certificate after three years from the date of this order by written request to the Department's Office of Teacher Certification. After considering the evidence presented, the Board voted to accept the voluntary surrender of Mr. Badger's teaching certificate # 100270, effective November 9, 2004, upon the conditions outlined above.

**FINDINGS OF FACT**

Mr. Badger holds a valid South Carolina teaching certificate. Mr. Badger retired after the 2002-2003 school year from the Orangeburg County School District Five with over twenty-nine years teaching experience. Mr. Badger was an assistant principal at Clark Middle School in Orangeburg County School District Five. Based on allegations of sexual harassment made by a former colleague of Mr. Badger's, Mr. Badger was investigated by the District. The District's investigation found no merit to the allegations. However, the teacher who alleged sexual harassment then initiated civil action against Mr. Badger. A jury ruled in favor of the teacher and

the verdict was upheld by the South Carolina Court of Appeals and the South Carolina Supreme Court.

### **CONCLUSIONS OF LAW**

“The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person.” S.C. Code Ann. § 59-25-150 (1990). Just cause includes “unprofessional conduct”, S.C. Code Ann. § 59-25-160 (1990); 24 S.C. Code Regulation Ann. 43-58 (1992). The Board finds that the preponderance of the evidence presented, that it supports the decision to accept the voluntary surrender of Mr. Badger’s teaching certificate # 100270, effective November 9, 2004. At the end of three years from the date of this Order, Mr. Badger may re-apply for a teaching certificate by written request to the Office of Teacher Education at the South Carolina Department of Education.

South Carolina State Board of Education

By: /S/ Mary E. Jones  
Dr. Mary E. Jones,  
Chair

Columbia, South Carolina  
November 9, 2004